

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 98-650-C - ORDER NO. 1999-218  
MARCH 26, 1999

IN RE: Proceeding to Review GTE South, Inc.'s Cost ) ORDER GRANTING  
Methodology for Price of Unbundled ) REQUEST TO DELAY  
Network Elements (UNE) and Related ) PROCEEDINGS  
Services. )

This matter comes before the Public Service Commission of South Carolina ("Commission") on the request of GTE South, Inc. ("GTE") that the hearing in the instant docket be held in abeyance until after Unbundled Network Elements ("UNE") issues resulting from the United States Supreme Court decision in AT&T Corp v. Iowa Utilities Board, No. 97-826, 1999 U.S. Lexis 903 (1999) are resolved.

By letter dated February 18, 1999, counsel for GTE noted that the Supreme Court of the United States in its decision on the appeals in AT&T Corp v. Iowa Utilities Board vacated Rule 51.319 of the FCC's First Report and Order, FCC 96-325, 61 Fed. Reg. 45476 (1996) and modified several of the FCC's and Eighth Circuit's ruling regarding UNEs and pricing requirements under the Act. Counsel stated that while the Supreme Court decision resolved some issues, "the decision also left open two critical matters, the final disposition of which will profoundly effect (1) which UNEs are to be made available by ILECs to CLECs; and (2) which UNE pricing methodology satisfies the requirements of the telecommunications Act of 1996 ("Act") and the United States Constitution." Counsel suggests that it is premature for the Commission to proceed with

the instant docket until the FCC issues its new rules to replace Rule 319 vacated by the Supreme Court decision.

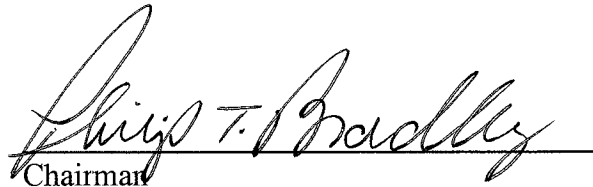
GTE offers in support of its request that no party will be prejudiced since interim UNE rates in South Carolina have already been established, subject to true-up when permanent rates are set. Further, GTE offers that because Rule 319 has been vacated, premature action by the Commission might lead to outcomes that are inconsistent with the new FCC rules.

Upon consideration of GTE's request, the Commission concludes that GTE's request has merit and should be granted. Therefore, the Commission finds that the proceedings in the instant Docket should be held in abeyance until the UNE issues resulting from the decision of the United States Supreme Court in AT&T Corp v. Iowa Utilities Board are resolved.

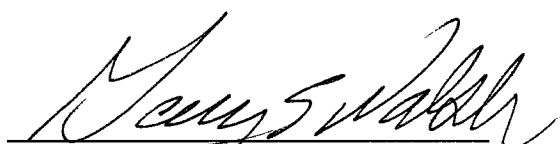
This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director  
(SEAL)